



February 16, 2022

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The Honorable Paul G. Gardephe
United States District Court for the
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Soprema, Inc. v. Imperbel, N.V., Case No. 21 Civ. 8176 (PGG)

Dear Judge Gardephe:

We represent Defendant Imperbel, N.V. (“Imperbel” or “Defendant”) in this matter.

Imperbel writes under Section II.B., Sealing/Redaction Requiring Court Approval, of Your Honor’s Individual Rules to respectfully request permission to file a redacted version of several documents attached to Imperbel’s Motion to Dismiss on the public docket. Imperbel is a Belgian company, with offices in Brussels. The requested redactions are required for Imperbel to comply with the European Union’s General Data Protection Regulation (“GDPR”).

The GDPR has been reported as one of the toughest privacy and security laws in the world and protects, among other things, personal data, such as names and email addresses, from disclosure. It imposes obligations onto organizations wherever they are located, as long as they seek to collect data related to people located in the EU. Several of the documents accompanying Imperbel’s Motion to Dismiss contain personal information of individuals in the EU. As you will see from the documents filed under seal, we seek only to redact the name and email address of certain individuals from the EU.

“Personal Data” under Article 4, paragraph 1 of the GDPR is broadly defined as “any information relating to an identified or identifiable natural person” who can be identified, among other things, by “name, an identification number, location data, an online identifier” or personal physical, economic, mental, or social data. Article 4, paragraph 2, establishes that the data protection and security provisions of the GDPR apply to the collection, storage, retrieval, and disclosure of personal data. Article 6 outlines the lawful “Processing” of Personal Data. These and other Articles appear to limit Imperbel’s ability to disclose Personal Data in the context of the current litigation. The GDPR also contains provisions by which the affected EU individuals may consent to the use of their Personal Data.

Imperbel is currently undertaking steps to ensure compliance with GDPR and its underlying data protection principles as it proceeds through discovery. Imperbel, and its European counsel, continues to review the restrictions of the GDPR as it may apply to this litigation. Out of an abundance of caution, Imperbel currently seeks to redact the indicated personal information. As Imperbel's GDPR compliance steps are completed, it may be possible for it to provide versions of these documents with some or all of these redactions removed.

Consistent with prevailing case law, the redactions remain narrowly tailored to protect a specific, important interest. *See generally, Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119 (2d Cir. 2006). The public possesses a low interest in accessing names and email addresses of individuals in the EU, while Defendant has a strong interest in complying with the GDPR. Further, the proposed redactions have no bearing on adjudication of Defendant's Motion to Dismiss. *See Graczyk v. Verizon Commc'ns, Inc.*, No. 18 CIV. 6465 (PGG), 2020 WL 1435031, at *9 (S.D.N.Y. Mar. 24, 2020) (granting motion to redact where proposed redactions "had no bearing on this Court's treatment of" the underlying application).

Accordingly, good cause exists to permit Imperbel to file redacted version of the documents submitted under seal with this letter. Imperbel respectfully requests that it be granted permission to do so. Counsel for Plaintiff, Soprema, Inc. is seeking the redaction of financial and other information in several other documents submitted in connection with this Motion to Dismiss. The basis for those redactions will be addressed in a separate application by Plaintiff's counsel. The publically filed version of exhibits reflect the proposed redactions by both parties as appropriate.

Respectfully submitted,

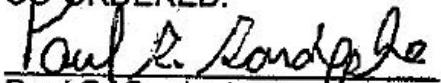
/s/ Michael E. Waller

Michael E. Waller

MEMO ENDORSED

The Application is granted.

SO ORDERED:



Paul G. Gardephe, U.S.D.J.

Dated: February 22, 2022